

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.05.2019

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.No.13674 of 2019

Hassam

... Petitioner/Accused 1

Versus

The State represented by
The Inspector of Police,
C-4 Rathinapuri Police Station,
Coimbatore.
(Crime Number. 935 of 2018) ... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 439(1)(b) of the Code of Criminal Procedure, to modify the condition that the petitioner shall execute a bond for rupees one lakh with one surety from Tamil Nadu and another surety from anywhere execute a bond for rupees two lakhs and shall produce the original documents for the property along with solvency certificates for each imposed by Hon'ble Judicial Magistrate No. II, Coimbatore in C.M.P.No.1793 of 2019 by this order dated 09.04.2019.

For Petitioner : Mr.J.Prakasam

For respondent : Mr.C.Raghavan,
Government Advocate (Crl. Side)

सत्यमेव जयते
O R D E R

This petition has been filed seeking to modify the conditions imposed by the learned Judicial Magistrate No.II, Coimbatore in C.M.P.No.1793 of 2019 by the order dated 09.04.2019 that the petitioner shall execute a bond for rupees one lakh with one surety from Tamil Nadu and another surety from anywhere execute a bond for rupees two lakhs and shall produce the original documents for the property along with solvency certificates for each.

2.The learned Judicial Magistrate No. II, Coimbatore while passing the order dated 05.02.2019 directed to release the

petitioner on bail under Section 167(2) of the Code of Criminal Procedure, he has imposed a condition that the petitioner shall execute a bond for Rs.10,000/- with two sureties for like sum and one surety from Tamil Nadu having a property of worth more than Rs.5,00,000/- and also produce original document for the property along with solvency certificate for each and the petitioner shall appear before the respondent police station daily twice at 10 a.m and 5 p.m until further orders. Subsequently, the learned Judicial Magistrate on 09.04.2019, has modified the aforesaid order as follows:

"Records perused. Both side heard. For interest of justice condition imposed by this court is modified. The petitioner shall execute a bond for Rs.1,00,000/- with one surety from Tamilnadu and another one surety from anywhere executed a bond for Rs.2,00,000/- and shall produce the original documents for the property along with solvency certificate for each and the petitioner shall appear before the respondent P.S. Daily twice at 10.00 AM and 5.00 PM until further orders."

3.As against the aforesaid orders, the petitioner has filed C.M.P.No.1431 of 2019 before the Principal Sessions Judge, Coimbatore. The learned Principal Sessions Judge has dismissed the said petition by the order dated 30.04.2019. Aggrieved by the same the present petition has been filed.

4.The learned counsel appearing for the petitioner has submitted that the petitioner belongs to the State of Uttar Pradesh and it is very difficult for him to produce original documents for the value of Rs.2,00,000/- with solvency certificate and hence he requests to modify the condition.

5.The learned Government Advocate has submitted that he leave it to the decision of this Court.

6.This Court is of the view that the aforesaid condition is onerous and hence, the aforesaid condition is modified as follows. The petitioner shall release on bail by executing bond for a sum of Rs.10,000/- with two sureties for like sum each and the petitioner shall appear before the respondent police daily as per the conditions imposed by the learned Judicial Magistrate.

7.With the above modifications, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar (VO)

//True copy//

Sub Assistant Registrar

rst/rna

To

- 1.The learned Judicial Magistrate No. II,
Coimbatore.
- 2.The Inspector of Police,
C-4 Rathinapuri Police Station,
Coimbatore.
3. The Chief Judicial Magistrate, Coimbatore
- 4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.J.Prakasam, Advocate SR.No.44198

Cr1.O.P.No.13674 of 2019

RL (CO)
GMY (28/05/2019)

सत्यमेव जयते

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